

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

HUGUETTE NICOLE YOUNG

Case No. 6:19-cv-01924-MK
ORDER

Plaintiff,

v.

OFFICER RICHARDS, in his capacity as
a California Highway Patrol Officer,

Defendant,

AIKEN, District Judge.

Magistrate Judge Mustafa Kasubhai filed his Amended Findings and Recommendations (“F&R”) (doc. 12) recommending that plaintiff’s case be dismissed for lack of prosecution and failure to pay the required filing fee. This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

No objections have been timely filed. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final decision.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory

Committee, the Court review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule).

Previously, Magistrate Judge Kasubhai twice found that the plaintiff was capable of paying the mandated civil case filing fee without undue hardship. (docs. 5 and 9) Plaintiff never appealed those decisions to this Court, paid the required filing fee, or filed any other motion. Two months later, Magistrate Judge Kasubhai, filed the present F&R recommending that this case be dismissed. Rather than filing objections to that order, plaintiff filed an amended complaint. Because the decision by Judge Kasubhai regarding plaintiff’s ability to pay the filing fee is not before the Court, and as plaintiff has not complied with the subsequent orders issues by the Magistrate Judge, the Court finds no clear error in the Amended F&R.

Thus, the Court adopts Magistrate Judge Kasubhai’s F&R (doc. 12) in its entirety. Accordingly, this action is dismissed.

IT IS SO ORDERED.

Dated this 27th day of May 2020.

/s/Ann Aiken
Ann Aiken
United States District Judge